



Governor Terry E. Branstad
Lt. Governor Kim Reynolds
San Wong, Director

JUVENILE JUSTICE ADVISORY COUNCIL

"To advocate for an effective, fair and equitable justice system for every Iowa youth."

POLICY AND PROGRAMS COMMITTEE

MINUTES OF REGULAR MEETING

**Waukee Police Department
1300 Grant Parkway, Conference Room
Waukee, Iowa**

November 16, 2015

Present: John Quinn, Chair; Andrew Allen (by phone); Joel Illian; Chad Jensen; Tony Reed

Staff: Steve Michael; Dave Kuker; Scott Musel; Kathy Nesteby; Julie Rinker

Others: Carl Smith

I. Call to Order

- Changes and Approval of Agenda**

John Quinn called the meeting to order at 1:34 pm. A quorum was present.

Tony Reed moved to accept the agenda, seconded by Joel Illian. The motion was unanimously approved.

II. Approve Minutes from October 7, 2015 meeting

Joel Illian moved to approve the minutes from the October meeting, seconded by Chad Jensen. The motion was unanimously approved.

III. Juvenile Justice Issues:

- Juvenile Records: Confidentiality**

During the October meeting, PnP members reviewed legislative issues brought forth by the Juvenile Justice Advisory Council (JJAC). At that meeting, there was consensus that many issues were already the focus of other groups and that the following issues would be given further consideration:

Juvenile Records: Confidentiality
Restraint and Seclusion Data
Iowa Code 279.68 – 3rd Grade Retention

Quinn reported that he was unable to contact the Prosecuting Attorneys Training Council or the Attorney General's office for an interpretation related to confidentiality of juvenile records. He will report more at the next meeting.

Steve Michael reported on his attendance at the Governor's Working Group (GWG) meetings. Final GWG recommendations to Governor Branstad were released on November 6 and were included in the meeting packet. A letter from the JJAC to the GWG suggested all juvenile court records be kept confidential. Currently, these records are public until ordered otherwise by a judge. Michael presented the JJAC's letter to the GWG and recommended that arrest records also remain confidential although this was not addressed.

Discussion:

- Information can follow an individual for years through internet searches and affect employment, higher education, educational grant applications, and other aspects of a young person's life.
- For youth who have a direct file to adult court, there is no way to remove these charges from the system even if the youth is waived back to juvenile court or if there is no conviction.

Steve Michael will contact staff in the governor's office to determine if legislative changes would be pursued and will report back. Quinn suggested contacting DHR Director Wong for her guidance as well.

- **Restraint and Seclusion Data**

Musel referred to a letter from the Iowa Department of Human Services (DHS) responding to his inquiry on behalf of the JJAC regarding the availability of data on the use of restraints and seclusion at the Boys' State Training School, juvenile detention centers, shelter, group care, and PMICs. The response indicated there is no statewide, central repository, although some data are collected based upon administrative rules governing specific program areas. In some facilities, restraint and seclusion is monitored by the Iowa Department of Inspections and Appeals (DIA) per Iowa Code and relates to licensure. To obtain the data, a request would have to be made to individual facilities.

Discussion:

- Quinn suggested making a formal request to the State Training School.
- Reed noted that Central Iowa Juvenile Detention Center (CIJDC) keeps records on the use of mechanical restraints and provides quarterly reports. Although there is no control room, detention centers do track control room use.
- The JJAC could advocate for contract requirements to include the development of data sets regarding the use of restraints and seclusion.
- The information could be requested annually.
- Data should lead to the development and identification of alternatives.

There was consensus to have Musel review administrative rules on reporting and data collection. He will contact DIA to determine data collected and facility contacts. He will report back at a future meeting.

- **Iowa Code 279.68: Third Grade Retention Law**

Carl Smith distributed a two-page PowerPoint highlighting his concerns regarding state legislation requiring retention of third graders who are not reading at grade level. The legislation goes into effect in 2017. Smith referenced a September 10th Des Moines Register article that focused on Iowa schools' unmet benchmarks of the federal "No Child Left Behind Act". The article referenced a federal report that found 81% of Iowa schools are failing to make adequate yearly progress in reading and math—a fundamental requirement of the Act.

Smith discussed his concern of unintended consequences for youth at the forefront of the school-prison pipeline, especially minority youth. Youth identified as failing must enroll in an intensive summer reading program or risk being held back. Currently, the percentages of third graders reading at grade level are: 60% for Des Moines; 54% for Waterloo; and 62% for Council Bluffs. He also noted that the state has no plans to track these youth. He asked that the JJAC consider opposing the third grade retention element.

Discussion:

- Other states have lowered the testing threshold, but still have the same number of kids who can't read.
- Some tests don't measure comprehension.
- There was concern for youth with limited English proficiency. However, the legislation provides an exemption for students with less than two years of instruction in ESL.
- Smith referenced "3. Promotion to Grade four" requirements listed in §279.68 which focuses on reading deficiencies and weighs student progress in other subject areas as well as intellectual, physical, emotional, and social development. Retention decisions can only be made after direct personal consultation with parents/guardians and after providing a plan of action to remedy reading deficiency. He was also concerned with overall district-wide commitment.
- Assessment measures include phonics, fluency, vocabulary, and comprehension.
- In addition to Department of Education leaders, Smith has shared his concerns with several legislators.

Quinn suggested that concerns be discussed with the JJAC and asked Smith to provide a summary to be shared with Council members at the December meeting.

IV. JJDPA Reauthorization: S. 1169 & H.R. 2728

Musel reported he has reviewed the 119-page proposed federal legislation. Both bills redefine core requirements and include an additional requirement. The Senate version was still in the Judiciary Committee and there had been no movement of the House version. He will continue to monitor progress and report back.

V. NAMI Report: Statewide Call for Action

Musel referenced a draft report by the Coalition for a Children's Mental Health Redesign in Iowa. He noted several items that need to be addressed:

1. The JJAC has been asked if they wish to be named in the report as a member organization.

Also, the report lists the core requirements of the JJDP Act and notes the following objectives:

2. Eliminate by 2020 the disproportionate minority confinement of youth in Iowa
3. Provide Gender Specific Programming

With regard to DMC, the report suggests the establishment of a multi-level, inter-agency task force to implement programs to reduce DMC with the goal of elimination by year 2020. The JJAC could recommend that the DMC Subcommittee serve as the task force.

After a brief discussion, there was consensus to share the report with the full council for discussion at the December meeting.

VI. Unfinished Business

There was no unfinished business.

VII. New Business – Next Meeting

Michael reported on a forum he attended in Austin, Texas, sponsored by the Council of State Governments. The forum provided information on ways to improve outcomes for juvenile justice youth and an opportunity to learn more about a competitive award from OJJDP for technical assistance to develop a statewide plan to improve youth outcomes. In order to be selected, states must demonstrate a collaborative approach from the governor, judicial leaders, legislators, and state agencies. A letter of interest is due by December 4th. Up to eight states will be selected to receive intensive technical assistance to develop plans to improve outcomes for youth in the juvenile justice system.

VIII. Adjourn

There was no other business presented. Quinn thanked members for attending.

Tony Reed moved to adjourn, seconded by Illian. The motion was unanimously approved and the meeting adjourned at 3:21 p.m.

Respectfully submitted,

Julie Rinker
Administrative Secretary
Iowa Department of Human Rights
Div. of Criminal & Juvenile Justice Planning